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Fifty-fourth session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 17 April 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

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(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

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The meeting was called to order at 10 a.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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(agenda item 5) (continued)

Draft resolution on the right to food (E/CN.4/1998/L.16)

1. Mr. FERNÁNDEZ PALACIOS (Cuba), introducing the draft resolution, said that the right to food was not an abstract concept but an inalienable human right, as reflected in article 11 of the International Covenant on Economic, Social and Cultural Rights. Hunger was a violation of human dignity and a consequence of the unequal distribution of the world's wealth.

2. There were a number of changes to be made to the draft. The second preambular paragraph should read: "Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights, in which the fundamental right of every person to be free from hunger is recognized,". In the eighth preambular paragraph, the last phrase - "or deprive a people of its means of subsistence" - should be deleted. In paragraph 6, "the right to adequate food" should be replaced by: "the right related to adequate food". In paragraph 7, the words "of the right to food" should be replaced by the words: "of the right related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights".

3. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Austria, Belarus, the Philippines, the Russian Federation and Tunisia and the observers for Australia, Costa Rica and Norway had become sponsors of the draft resolution.

4. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the estimated full cost of the provisions of paragraph 6 would be US$ 26,900. No provision had been made under the programme budget for the biennium 1998-1999, so the expenditure would be covered by any available extrabudgetary resources.

5. The draft resolution, as orally revised, was adopted.

Draft resolution on the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development (E/CN.4/1998/L.17)

6. Ms. HERRERA CASEIRO (Cuba), introducing the draft resolution, said that, given the acknowledged importance of the right to development, it was a matter of concern that political and civil rights tended to be given precedence over other rights. The draft resolution was designed to strike a balance between the two. The weight of foreign debt was one of the main factors behind the deteriorating economies of the developing countries, hindering their economic and technical development and lowering their standards of living. The draft resolution would make a contribution towards a just international economic order and encourage the international financial institutions to provide greater assistance.

7. Mrs. KLEIN (Secretary of the Commission) said that the delegations of the Congo and Tunisia and the observer for the Dominican Republic had become sponsors of the draft resolution.

8. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the preliminary estimated cost of the provisions in paragraphs 8 and 10 was US$ 61,700 for the biennium 1998-1999 and US$ 46,400 for the biennium 2000-2001. No provision had been made under the programme budget for 1998-1999. The potential for absorption, as well as any net resources required, would be in the final implications statement submitted to the next session of the Economic and Social Council in the context of its review of the Commission's current session. The resources for the biennium 2000-2001 would be in the proposed budget for that biennium.

9. Mr. SUMI (Japan), speaking in explanation of vote before the voting, said that Japan had extended various kinds of assistance to heavily indebted countries and would continue to do so. The draft resolution, however, linked the problem of foreign debt to the question of human rights, thus introducing inappropriate elements and diverting attention from the real nature of the problem, as well as failing to reflect the agreed language on the issue in the Vienna Declaration.

10. It was not clear what "just and equitable international economic order" was envisaged in paragraph 3. The matter would need to be clarified by involving economic experts and the Commission was thus not a suitable forum.

11. Cooperation between developing and developed countries was indispensable in considering the issue. It was therefore regrettable that there had been no consultations on the draft resolution, which made Japan's serious efforts to settle the foreign debt issue more difficult. His delegation would therefore vote against the draft resolution.

12. Ms. RUBIN (United States of America) said that, while believing that freedom from hunger and the freedom to achieve an adequate standard of living were fundamental to the dignity of every individual, her delegation considered that the draft resolutions proposed under agenda item 5 did little more than establish more thematic mechanisms than the Commission and the Office of the

High Commissioner could handle properly. They all proposed new appointments, or extensions to existing mandates, of special rapporteurs or independent experts. The proliferation of new mechanisms would overstrain the capacity of the Office of the High Commissioner. Moreover, those resolutions related to issues that were being dealt with more effectively elsewhere.

13. The current draft resolution attempted to impose external conditions on terms which the debtors and creditors had already agreed upon. The Commission was not the proper forum for such discussions. Her delegation would therefore vote against the draft resolution.

14. Mr. MUÑOZ-LEDO (Mexico), supported by Mr. BENITEZ (Argentina), said that, while mechanisms for the promotion and protection of economic, social and cultural rights should be strengthened, the appointment of a special rapporteur on the consequences of foreign debt was the wrong way to go about the matter. Any examination of the measures adopted by Governments, the private sector and international financial institutions to alleviate the effects of foreign debt in developing countries would be limited to national measures to the detriment of consideration of the measures that the international community as a whole should be taking to deal with the problems facing indebted developing countries. His delegation would therefore abstain.

15. The draft resolution was adopted by 27 votes to 16, with 9 abstentions.

16. Ms. GLOVER (United Kingdom) said she wished to reiterate the importance her delegation attached to the proper observance of rule 28 of the Commission's rules of procedure, in particular the need for any programme budget implications to be submitted in good time. She recalled the existing procedures for dealing with potential additional expenditure, set out in General Assembly resolutions 41/213 and 42/211 and elsewhere, and emphasized the importance of the role of the Fifth Committee in such matters. Her statement should be taken as applying to all resolutions adopted by the Commission that raised similar issues.

Draft resolution on human rights and extreme poverty (E/CN.4/1998/L.29)

17. Mr. BERNARD (France) said that the draft resolution, of which the delegations of Bhutan, Brazil, China, Germany, Guinea, Pakistan and Uruguay and the observers for Andorra, Australia, Georgia, Iraq, Malta and Norway had become sponsors, took the achievements of the World Conference on Human Rights and the World Summit for Social Development a stage further by providing for the appointment of an independent expert to evaluate the relationship between the promotion and protection of human rights and the elimination of extreme poverty.

18. Being aware of the constraints on the budget of the Office of the High Commissioner, his Government intended to make a specific financial contribution to the Office to support part of the activities connected with the new mandate.

19. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the cost of appointing an independent expert, in accordance with paragraph 6, of the draft resolution was estimated to be US$ 61,700 for the biennium

1998-1999 and a further US$ 15,500 for the biennium 2000-2001. As no provision had been made for those costs, their amount would be included in the statement of programme budget implications to be submitted to the Economic and Social Council.

20. Mrs. KLEIN (Secretary of the Commission) said that the delegation of the Sudan had joined the sponsors of the draft resolution.

21. Ms. RUBIN (United States of America) said that, while her delegation would have liked to be able to join a consensus on the draft resolution, it could not accept the proposals contained in paragraph 6. The programme of action agreed to at the World Summit for Social Development addressed appropriately the concerns of the international community on poverty and called upon Governments to integrate goals and targets for combating poverty into overall economic and social policies.

22. It also listed at great length specific actions to be taken to eradicate extreme poverty. Efforts had already begun to encourage observance and implementation of those findings by working through international development organizations such as the United Nations Development Programme (UNDP), and by addressing the issue in international forums already established to deal with the problem.

23. An attempt to draft a new declaration would add little to the efforts to address extreme poverty, whereas a considerable investment would be required to support the associated activities. The subject matter would also duplicate other efforts and would not be a productive use of the Commission's resources. Her delegation thus urged others to join in voting to delete paragraph 6 from the resolution.

24. Mr. SUMI (Japan), speaking in explanation of vote before the voting, said that his delegation recognized that human rights and extreme poverty was one of the most important issues before the Commission and would thus vote in favour of the draft resolution. It was concerned, however, about the financial implications of the nomination of an independent expert. While it greatly appreciated the announcement that the French Government would make a contribution, it was still not clear how the rest of the costs would be covered.

25. At the request of the representative of France, a vote was taken by roll-call on the draft resolution.

26. Congo, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Austria, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Canada, Cape Verde, Chile, China, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, El Salvador, France, Germany, Guatemala, Guinea, India, Indonesia, Ireland, Italy, Japan, Luxembourg, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Senegal,

South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: None.

27. The draft resolution was adopted by 51 votes to 1.

Draft resolution on the question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights (E/CN.4/1998/L.35)

28. Mr. MADUREIRA (Observer for Portugal) said that the delegations of Brazil, El Salvador, Guatemala, Russian Federation, Tunisia, the United Kingdom and Uruguay and the observers for Cyprus and Malta had become sponsors of the draft resolution. In the light of the widespread desire for higher visibility of economic, social and cultural rights, the draft resolution had been oriented towards pragmatic steps towards the realization of those rights.

29. The sponsors had thus decided to focus on the right to education, including access to free primary education for all, as a first step. The appointment of a special rapporteur would undoubtedly yield progress in that area. His Government, which was fully aware of the financial implications of such a step, would make a contribution to its implementation and he invited other Governments to follow suit.

30. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Argentina, Belarus and Congo had become sponsors of the draft resolution.

31. Mr. H.K. SINGH (India) said that his delegation, which had consistently advocated a higher profile for economic, social and cultural rights, welcomed the increased emphasis placed on those rights at the Commission's current session. The two key elements discussed during the negotiations on the draft resolution had been the need for a mechanism to promote the enjoyment of economic, social and cultural rights and the identification of rights which might constitute the focus for such a mechanism.

32. Although the informal consultations had taken place in a positive and constructive spirit, his delegation was not convinced that adequate deliberation had preceded the move to establish a new mechanism of the Commission. It would have preferred an approach beginning with the examination of existing efforts to promote the right to education throughout the United Nations system by means of a synthesis report by the Secretary-General. The Commission could then subsequently have evaluated the need to set up its own mechanism in that area and identified a clear and specific mandate to ensure that such a mechanism could contribute meaningfully to the enjoyment of economic, social and cultural rights.

33. In any event, the new mechanism being established must be provided with adequate financial and human resources to fulfil its mandate. The special rapporteur should devote particular attention to the role of international cooperation and assistance in promoting the realization of the right to education.

34. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the estimated full cost of appointing a special rapporteur for a three-year period was US$ 61,700 for the biennium 1998-1999 and US$ 46,400 for the biennium 2000-2001. No provision had been made for that expenditure in the programme budget for 1998-1999. Those costs, taking into account the potential for absorption, would be included in the final report on the budget for the biennium. The offer by the Government of Portugal had been noted.

35. Mr. DENNIS (United States of America) said that, in view of the programme budget implications of the draft resolution, he wished to propose the following amendments thereto. In paragraph 7, at the end of the second line, the phrase "within existing overall United Nations resources" should be added; in paragraph 8, the phrase "from within existing overall United Nations resources" should be inserted after the words "for a period of three years" in the fifth line of the proposed draft decision.

36. Mr. MADUREIRA (Observer for Portugal) said that the general feeling among the sponsors of the draft resolution was that, although they shared the concerns expressed by the representative of the United States of America regarding the financial situation of the Office of the High Commissioner, the amendments proposed could not be accepted, not only because it was too late to change a text that had been the object of wide consultation but also because it was not up to the Commission to find a solution to the very real problem involved.

37. Mr. LOFTIS (United States of America), speaking in explanation of vote before the voting, said that his delegation had, on a number of occasions, asked whether there would be any additional programme budget implications and had been assured that there would not, only to learn that very morning that there were such implications. He regretted that his delegation would be unable to support the draft resolution, which contained some very good ideas, because of its concern that the Office of the High Commissioner for Human Rights was being overloaded with burdens it could not bear. He requested that the draft resolution be put to the vote.

38. The draft resolution was adopted by 52 votes to 1.

39. Mr. SUMI (Japan) said that his delegation had voted for the draft resolution because the issue was such an important one, although it shared some of the concern expressed by the representative of the United States of America regarding the financial implications.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 12) (continued) (E/CN.4/1998/L.37)

Draft resolution on racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1998/L.37)

40. Mr. BA (Senegal), introducing the draft resolution, drew attention to a correction to paragraph 50: the phrase "the rules of procedure" in the second line should be replaced by the words "resolution 1996/31". He urged all delegations to contribute their ideas to the preparatory process for the forthcoming World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance.

41. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Brazil, El Salvador, France, Germany, India and Uruguay and the observers for Iraq, Israel and Turkey had become sponsors of the draft resolution.

42. Mr. COMBA (Office of the High Commissioner for Human Rights) said, with regard to the financial implications of paragraphs 17, 19, 44, 47, 49, 51, 52, 57 and 59 of the draft resolution, that the preliminary estimated full costs of the activities concerned would be US$ 270,000. No resources had been appropriated for those activities in the budget for the biennium 1998-1999. If the resolution was adopted, preparatory activities for the World Conference would be implemented using extrabudgetary resources.

43. The draft resolution was adopted.

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO THE UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (agenda item 14) (continued) (E/CN.4/1998/L.15)

Draft resolution on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/1998/L.15)

44. Mr. SPLINTER (Canada), introducing the draft resolution, drew attention to a modification of paragraph 14, whereby the phrase "at the earliest opportunity" would be replaced by "at the latest by 31 December 2000".

45. Mrs. KLEIN (Secretary of the Commission) said that the delegation of Denmark and the observer for Hungary had become sponsors of the draft resolution.

46. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the cost of the translation into five official languages and publication of the revised Manual on Human Rights Reporting was estimated at US$ 408,000. Of that total amount, US$ 197,100 could be covered from voluntary contributions with the balance coming from extrabudgetary resources.

47. The draft resolution was adopted.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-NINTH SESSION (agenda item 15) (continued) (E/CN.4/1998/L.45, L.46, L.47, L.48, L.50, L.57, L.59, L.79; E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chapter I, draft resolution and draft decisions 5 and 10)

Draft resolution on the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1998/L.45)

48. Mr. HÖYNCK (Germany), introducing the draft resolution, said that it was essentially through its studies that the Sub-Commission fulfilled its function as the Commission's think-tank and contributed to its work. By adopting that draft resolution, the Commission would supersede the draft resolution recommended to it by the Sub-Commission. It was the opinion of the sponsors that, by following the suggestions contained in paragraph 9 of the draft resolution, the Sub-Commission would further increase its effectiveness within its regular four-week session.

49. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Argentina, Austria, Belarus, Brazil, Canada, Cape Verde, El Salvador, India, Russian Federation, Ukraine and Uruguay and the observers for Australia, Cyprus, Estonia, Romania, Slovakia and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

50. Ms. SMOLEIC (Uruguay) drew attention to an error in the Spanish version of the text: in paragraph 9 (a), "fifty-fifth" should be "fiftieth".

51. The draft resolution was adopted.

Draft decision on human rights and scientific and technological developments (E/CN.4/1998/L.46)

52. Mr. van RIJSSEN (Observer for the Netherlands), introducing the draft decision said that the Sub-Commission had recommended to the Commission draft decision 10, whereby a special rapporteur on human rights and scientific and technological developments would be appointed. The subject was a sensitive one of great importance, to which the Commission devoted its attention every other year under a specific agenda item. The reasons for the submission of the draft decision were more procedural than substantive in that the person proposed as special rapporteur had ceased to be a member of the Sub-Commission, and the sponsors were of the opinion that studies for the Sub-Commission should be undertaken by its members or alternate members on the basis of extended working papers in which the subject in question was clearly identified.

53. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Canada and Japan and the observer for Portugal had become sponsors of the draft decision.

54. The draft decision was adopted.

Draft decision on the question of human rights and states of emergency (E/CN.4/1998/L.47)

55. Mr. van RIJSSEN (Observer for the Netherlands), introducing the draft decision, said that, while it was important for the Sub-Commission to devote continued attention to the question of human rights and states of emergency, it hardly seemed necessary for it to receive a full report every year. An update of the list might be sufficient, and that could best be produced by the Office of the High Commissioner for Human Rights. He drew attention to an editorial error in the penultimate line of the draft decision where the word "Commission" should be "Sub-Commission".

56. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Canada, Poland and the United Kingdom and the observer for Portugal had become sponsors of the draft decision.

57. Mr. H.K. SINGH (India) said he did not believe that open-ended consultations had been held regarding the draft decision although they would have been both important and useful. While reports listing States which had proclaimed, extended or terminated states of emergency were important, improvements could be considered that would enhance their usefulness, and it was necessary to consider whether it was sufficient to report on current and continuing situations only rather than listing all such cases since 1985. It should also be considered whether annual reports were required or whether biennial or even triennial reports would suffice. Moreover, it should be clearly indicated how a state of emergency was to be defined.

58. The draft decision did not address those issues, but merely called on the Office of the High Commissioner to take responsibility for preparing updated lists. That aspect needed to be examined also, and his delegation would have some hesitation in adopting a draft decision to replace an independent expert by the Secretariat without adequate consideration. Further discussion on the draft decision was required, and its adoption should be deferred to allow for consultations.

59. Mr. van RIJSSEN (Observer for the Netherlands) suggested that further consideration of the draft decision be deferred pending consultations with the delegation of India.

60. It was so decided.

Draft decision on a study concerning the right to freedom of movement (E/CN.4/1998/L.48)

61. Mr. van RIJSSEN (Observer for the Netherlands), introducing the draft decision, said that the right to freedom of movement was a very important subject which was closely related to other areas of concern to the United Nations. Any discussion of it which did not take full account of what was happening elsewhere in the United Nations system might lead to a sterile debate, so the Sub-Commission was being requested to take the matter up again at its next session with a view to defining the subject of the study more

precisely. After a full discussion had been held, the Commission might then be seized of the issue at its fifty-fifth session and in that regard, the words "on the basis of a further and extended working paper" should be added at the end of the text.

62. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Canada and Japan and the observer for Portugal had become sponsors of the draft decision.

63. The draft decision was adopted.

Draft resolution on minimum humanitarian standards (E/CN.4/1998/L.50)

64. Mr. WILLE (Observer for Norway), introducing the draft resolution, said that, at its fifty-third session, the Commission had requested the Secretary-General to submit an analytical report on the issue of fundamental standards of humanity. That report (E/CN.4/1998/87 and Add.1) had identified issues that needed further study and the Secretary-General was being requested, in coordination with the International Committee of the Red Cross (ICRC), to continue to consult on the issues identified for further clarification and to submit a report to the Commission at its fifty-fifth session.

65. Mrs. KLEIN (Secretary of the Commission) said that the delegation of Austria had become a sponsor of the draft resolution.

66. The draft resolution was adopted.

Draft resolution on the traffic in women and girls (E/CN.4/1998/L.57)

67. Ms. CALLANGAN (Philippines), introducing the draft resolution, said that the traffic in women and girls was a menacing problem which respected no borders, and indifference or inaction would merely aggravate the situation and embolden the traffickers, thus victimizing more helpless women and girls. The problem could not be solved alone and it could not be eradicated overnight. It called for concerted action by the international community and for the support of relevant United Nations bodies, international organizations and non-governmental organizations (NGOs).

68. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Bangladesh and Guatemala and the observers for the Dominican Republic, Greece, Nigeria, Spain, Thailand and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

69. The draft resolution was adopted.

Draft Resolution on the human rights of persons with disabilities (E/CN.4/1998/L.59)

70. Ms. CULLINANE (Ireland), introducing the draft resolution, said that it was an important step in mainstreaming the human rights of persons with disabilities in the Commission's work, and she was particularly encouraged to see that it was being supported by sponsors from all the regions.

71. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Germany, Poland, Sudan and Tunisia and the observers for Algeria, Australia, Belgium, the Dominican Republic, Greece, Malta, the Netherlands, Norway and Togo had become sponsors of the draft resolution.

72. The draft resolution was adopted.

Draft resolution proposed as a replacement for draft decision 5 of the Sub-Commission on the privatization of prisons (E/CN.4/1998/L.79)

73. Mr. KUEHL (United States of America), introducing the draft resolution, said that it asked the Sub-Commission to reconsider its recommendation that a special rapporteur on the privatization of prisons be appointed. There were two main reasons for presenting that draft resolution. In the first place, the Commission had, in its resoluton 1997/22, requested that special attention be paid to the process of selecting studies to be undertaken by the Sub-Commission and it was the belief of the sponsors that that test had not been met. Secondly, the Sub-Commission had envisaged that the study would be carried out by one of its members but in fact the person concerned was no longer a member of the Sub-Commission. The sponsors therefore deemed it appropriate that the Sub-Commission should review its draft decision 5 with a view to determining if there were still adequate reasons for the Commission to approve it. If so, the Commission could consider the proposal at its fifty-fifth session.

74. Mrs. KLEIN (Secretary of the Commission) said that the delegation of Japan had become a sponsor of the draft resolution.

75. Mr. FERNANDEZ PALACIOS (Cuba) said that his delegation, which had received the text of the draft resolution the previous evening only, would have liked to have had open-ended consultations before adopting it. He appealed to all delegations presenting draft resolutions to make every effort to ensure transparency.

76. Mr. KUEHL (United States of America) said he had noted the remarks of the representative of Cuba and also the fact that he had not requested that consideration of the draft resolution be deferred.

77. The CHAIRMAN said it was unacceptable that open-ended consultations were not held when every provision had been made for them. If members of the Commission insisted that the Chairman held open-ended consultations then they too must do so.

78. The draft resolution was adopted.

79. Mr. KUEHL (United States of America) explained that the text of the draft resolution in question had been made available to all regional groups at least 72 hours in advance and his delegation had discussed it with many other delegations. As it was a technical matter, his delegation had taken the view that open-ended consultations would not be appropriate.

Draft resolution recommended by the Sub-Commission on organization of the sessions of the Sub-Commission (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50)

80. The CHAIRMAN said he took it that the draft resolution in question had been superseded by the adoption of the draft resolution contained in document E/CN.4/1998/L.45.

81. It was so decided.

Draft decision 10 recommended by the Sub-Commission on human rights and scientific and technological developments (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50)

82. The CHAIRMAN said he took it that draft decision 10 had been superseded by the adoption of the draft decision contained in document E/CN.4/1998/L.46.

83. It was so decided.

QUESTIONS OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

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(agenda item 8) (continued) (E/CN.4/1998/L.43, L.49, L.53-L.56, L.58, and L.60-L.62)

Draft resolution on hostage-taking (E/CN.4/1998/L.43)

84. Mr. BOYTCHENKO (Russian Federation), introducing the draft resolution, said that hostage-taking was a gross violation of human rights and a barbaric practice that could not be justified under any circumstances. As it was a phenomenon that transcended national frontiers, the international community must take decisive and coordinated action to bring such practices to an end. The second and third lines of paragraph 1 should be modified to read: "is an illegal act constituting a serious obstacle to the full enjoyment of all human rights and is, under any circumstances, unjustifiable".

85. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Bangladesh, Ecuador, Poland, Sri Lanka, Uruguay and Venezuela and the observers for Australia, Pakistan, Spain and Turkey had become sponsors of the draft resolution.

86. Mr. CHÁVEZ (Peru), noting that the revision introduced a substantial change of wording, requested that consideration of the draft resolution should be deferred until a later meeting.

87. It was so decided.

Draft resolution on the question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1998/L.49)

88. Mrs. THOMPSON (Observer for Costa Rica), introducing the draft resolution, said that the purpose of the draft optional protocol was to establish a preventive system of visits by a group of experts to places of detention. The draft resolution provided for the possible extension of the next session of the open-ended working group by one week to enable it to complete its task and thus obviate the need for a further extension of its mandate. The additional week would be requested only if the working group felt it was in a position to complete the draft optional protocol in 1998.

89. At the request of a number of sponsors, the words "within existing resources" had been inserted after the words "extending it to three" in paragraph 1 of the draft resolution recommended to the Economic and Social Council in paragraph 8.

90. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Belarus, Canada, Ukraine, the United Kingdom and the United States of America and the observer for Greece had become sponsors of the draft resolution.

91. Mr. COMBA (Office of the High Commissioner for Human Rights) said that, in the event that the open-ended working group extended of its planned 10-day session by an additional five working days, substantive servicing would be provided by the staff of the Office of the High Commissioner for Human Rights and the costs thereof would be absorbed from within the existing resources under section 22 of the 1998-1999 programme budget. The conference servicing requirements would be covered within existing resources under section 27 (e) of the 1998-1999 programme budget.

92. No provision had been made under the programme budget for 1998-1999 to cover the travel costs of participants in the activities of the working group under paragraph 4 of the draft resolution. It was assumed that participation by representatives of Governments, specialized agencies and relevant intergovernmental and non-governmental organizations would entail no costs for the United Nations. It was envisaged that the Special Rapporteur on torture could combine his participation with a trip to Geneva for consultations with the Office of the High Commissioner for Human Rights.

93. The cost of participation by the Chairperson of the Committee against Torture would involve additional travel and per diem costs of US$ 7,700, which could be absorbed within existing resources under the programme budget for 1998-1999.

94. The draft resolution, as orally amended, was adopted.

Draft resolution on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/1998/L.53)

95. Mr. DÉKÁNY (Observer for Hungary), introducing the draft resolution, said that the independence of the judiciary was a fundamental pillar of democracy, the rule of law and respect for human rights and fundamental freedoms. The draft resolution was largely based on those adopted in previous years and he hoped that it could be adopted without a vote.

96. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Japan and the Russian Federation and the observers for the former Yugoslav Republic of Macedonia and Togo had become sponsors of the draft resolution.

97. The draft resolution was adopted.

Draft resolution on human rights and forensic science (E/CN.4/1998/L.54)

98. Mr. LEHMANN (Denmark), introducing the draft resolution, said that its purpose was to ensure the widespread availability of forensic expertise in the documentation of torture and other violations of human rights. As the draft resolution had been the subject of open-ended consultations, he trusted that it would be adopted by consensus.

99. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Belarus, Italy, Japan and the Philippines and the observers for Greece and Finland had become sponsors of the draft resolution.

100. The draft resolution was adopted.

Draft resolution on United Nations staff (E/CN.4/1998/L.55)

101. Mrs. DIOGO (Observer for Portugal), introducing the draft resolution, said that the Secretary-General, referring to the recent increase in attacks on and the use of force against United Nations staff and other personnel acting under United Nations authority, had expressed particular concern that nobody had ever been charged or brought to justice for causing the death of a United Nations staff member.

102. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Argentina and Brazil and the observers for Armenia, Australia, Costa Rica, Egypt, Greece, Israel and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

103. Mrs. PÉREZ DUARTE y NOROÑA (Mexico) said that, while her delegation supported the draft resolution, it had made a statement when the General Assembly had opened the Convention on the Safety of United Nations and Associated Personnel for signature to the effect that, while her Government recognized the importance of protecting United Nations staff, it considered that more time was needed to clarify certain principles underlying the relations between States and peace keeping operations. It was to be hoped that the lack of clarity in the wording of the Convention would not impede its practical implementation.

104. The draft resolution was adopted.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1998/L.56)

105. Mr. BRUUN (Denmark), introducing the draft resolution, highlighted its main points and, noting that it was the product of several open-ended consultations, expressed the hope that it would be adopted without a vote.

106. Mrs. KLEIN said that the representatives of Argentina, Belarus, Senegal and Venezuela and the observers for Bulgaria, Costa Rica, Georgia, Iceland and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

107. Mr. COMBA (Office of the High Commissioner for Human Rights) said with reference to the budgetary implications of renewing the mandate of the Special Rapporteur on torture for a period of three years, that financial provisions of US$ 98,400 for activities related to the mandate had been included under section 22 of the programme budget for 1998-1999. Requirements relating to the third year of the mandate would be included under section 22 of the proposed programme budget for 2000-2001.

108. The draft resolution was adopted.

Draft resolution on human rights in the administration of justice in particular of children and juveniles in detention (E/CN.4/1998/L.58)

109. Mr. STROHAL (Austria), introducing the draft resolution on behalf of its sponsors, who had been joined by the representative of Brazil and the observers for Cyprus, Greece, Haiti and Norway, said that the administration of justice was a core area for the establishment of human rights guarantees, as witnessed by the large number of United Nations standards relating thereto. A particularly welcome development was the establishment of a Coordination Panel designed to provide more focused technical assistance in the administration of justice for children and juveniles.

110. As a result of widespread consultations, the words "to the greatest extent feasible" had been inserted in the fifth preambular paragraph after "separated from adults" and also in paragraph 15, the last phrase of which had been modified to read: "children and juveniles are separated from adults to the greatest extent feasible, unless it is considered in their best interest not to do so".

111. Mrs. KLEIN (Secretary of the Commission) said that the representative of Canada and the observers for Australia, Israel, New Zealand and Togo had become sponsors of the draft resolution.

112. The draft resolution, as orally revised, was adopted.

Draft resolution on the question of enforced or involuntary disappearances (E/CN.4/1998/L.60)

113. Mr. BERNARD (France), introducing the draft resolution on behalf of its sponsors, noted that France had inadvertently been omitted from the list.

Given the importance of the struggle against an intolerable form of repression of which human rights workers and their families were frequently the victims, he expressed the hope that the draft resolution on enforced and involuntary disappearances would be adopted, as in previous years, by consensus.

114. Two changes had been made to the text. A new subparagraph 2 (i) had been inserted to read: "To continue its deliberations on its working methods and to include these aspects in its report to the fifty-fifth session of the Commission on Human Rights". The words "ou arbitraires" should be deleted from the French version of paragraph 11.

115. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Brazil, Ecuador and the Russian Federation and the observers for Armenia, Costa Rica, Greece and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

116. Mr. COMBA (Office of the High Commissioner for Human Rights) said, with reference to the budgetary implications of the renewal of the mandate of the Working Group on Enforced and Involuntary Disappearances for a period of three years, that financial provisions of US$ 317,800 for activities related to the mandate had been included under section 22 of the programme budget for 1998-1999. Requirements relating to the third year of the mandate would be included under section 22 of the proposed programme budget for 2000-2001.

117. The draft resolution, as orally revised, was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/1998/L.61)

118. Mr. BERNARD (France), introducing the draft resolution, said that in the previous 12 months the Working Group on Arbitrary Detention had been informed of over 100 new cases of alleged arbitrary detention. Some of those cases had been the subject of communications to the Governments concerned. The Working Group had also made 55 urgent appeals concerning 563 persons, including at least 11 women, and carried out two field missions.

119. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Ecuador, the Russian Federation and Uruguay and the observers for Armenia, Costa Rica, Greece and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

120. The draft resolution was adopted.

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1998/L.62)

121. Ms. McVEY (Canada), introducing the draft resolution, said that it was largely based on previous resolutions. Among the new elements, however, she drew attention to paragraph 7 concerning women victims of violence and paragraph 9 (f) concerning the challenges of new information technology, including the Internet.

122. Mrs. KLEIN (Secretary of the Commission) said that the representatives of Argentina, Brazil, Denmark, Ecuador, India, Luxembourg, Nepal, Poland,

Russian Federation, Ukraine, United Kingdom, United States of America and Uruguay and the observers for Australia, Colombia, Costa Rica, Côte d'Ivoire, Dominican Republic, Egypt, Estonia, Greece, Lithuania, Mauritius, Netherlands, New Zealand, Norway, Paraguay, Slovenia and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

123. Mr. FERNÁNDEZ PALACIOS (Cuba) suggested that the words "que no se invoque como pretexto" in the Spanish version of the fifth preambular paragraph be replaced by "que no se invoque como excusa injustificada", the original English version remaining unchanged.

124. It was so agreed.

125. The draft resolution was adopted.

The meeting rose at 1 p.m.